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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,588	05/31/2001	Bill Kitchen	23952-0033	8098
29052 7590 08/03/2007 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			EXAMINER MERCHANT, SHAHID R	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/867,588

Applicant(s)

KITCHEN ET AL.

Examiner

Shahid R. Merchant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-53 is/are pending in the application.
- 4a) Of the above claim(s) 35,40,42,44 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,36-39,41,43,45 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/20/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on July 17, 2007. Claims 34-53 are pending. Claims 35, 40, 42, 44 and 46 have been canceled. Claims 34, 36-39, 41, 43, 45, 47 and 48 have been amended. Claims 49-53 are new claims.

Response to Arguments

2. Applicant's arguments, see page 6 filed June 20, 2007, with respect to claims 34-48 under 35 U.S.C. 112 have been fully considered and are persuasive. The rejection of claims 34-48 under 35 U.S.C. 112 first paragraph has been withdrawn.

3. Applicant's arguments with respect to claims 34-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 49 objected to because of the following informalities: the claim refers back to "the system of claim 34". Claim 34 is a method claim. Appropriate correction is required.

5. Claim 50 objected to because of the following informalities: the claim refers back to "the system of claim 38". Claim 38 is a method claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 34-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al., U.S. Patent No. 6,128,603 (see attached PTO-892, Ref. A) in view of Anatomy of an MSFDC Electronic Bill by Jim Bruene (see attached PTO-892, Ref. U). Hereinafter Bruene.

8. As per claim 34, Dent teaches a method;

transmitting, via a network, a bill (see column 2, lines 66-67, column 3, line 1 and column 4, lines 40-67);

receiving, via the network, a request from the payer via activation of the indicator (see column 7, lines 29-33 and Figure 4, item 76 "Details"); and

transmitting to the payer, via the network, in response to the received request (see column 7, lines 29-33 and Figure 4).

Dent does not explicitly teach transmitting terms and conditions. Bruene teaches transmitting of terms and conditions in regard to bill payer systems (see Ref U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dent and Bruene to have a link to access terms and conditions because it would instantly provide the payer with the

legal and regulatory fine print usually found at the "back of the statement" as taught by Bruene.

9. As per claim 36, Dent and Bruene teach the method of claim 34 as described above. Dent further teaches wherein the indicator comprises a link. Dent does not explicitly teach access to terms and conditions.

Bruene teaches wherein the indicator to access terms and conditions comprises a link (see Ref U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dent and Bruene to have a link to access terms and conditions because it would instantly provide the payer with the legal and regulatory fine print usually found at the "back of the statement" as taught by Bruene.

10. As per claim 37, Dent teaches the method of claim 34 as described above. Dent further teaches wherein the bill comprises one of a summary bill or a detailed bill (see Figure 4, item 78 and Figures 8 & 9, item 110).

11. As per claim 38, Dent teaches the method of claim 34 as described above. Dent further teaches wherein the bill is transmitted by a first network station and the terms and conditions are transmitted by a second network station different than the first network station (see column 4, lines 40-67).

12. Claim 39 recites similar limitations to claim 34 and thus rejected using the same art and rationale in the rejection of claim 34 as set forth above.

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13. Claim 41 recites similar limitations to claim 36 and thus rejected using the same art and rationale in the rejection of claim 36 as set forth above.

14. Claim 43 recites similar limitations to claim 37 and thus rejected using the same art and rationale in the rejection of claim 37 as set forth above.

15. Claim 45 recites similar limitations to claim 34 and thus rejected using the same art and rationale in the rejection of claim 34 as set forth above.

16. Claim 47 recites similar limitations to claim 36 and thus rejected using the same art and rationale in the rejection of claim 36 as set forth above.

17. Claim 48 recites similar limitations to claim 37 and thus rejected using the same art and rationale in the rejection of claim 37 as set forth above.

18. Claim 49 recites similar limitations to claim 38 and thus rejected using the same art and rationale in the rejection of claim 38 as set forth above.

19. As per claim 50, Dent and Bruene teach the method of claim 38 as described above. Dent further teaches wherein the first network station comprises a centralized bill processing system and the second network station comprises a biller network station (see column 4, lines 40-49, and Figure 1).

20. As per claim 51, Dent and Bruene teach the system of claim 45 as described above. Dent further teaches wherein the first network station comprises a centralized bill processing system (see column 4, lines 40-49, and Figure 1).

21. As per claim 52, Dent and Bruene teach the system of claim 45 as described above. Dent further teaches wherein the second network station comprises a biller network station (see column 4, lines 40-49, and Figure 1).

22. As per claim 53, Dent and Bruene teach the system of claim 45 as described above. Dent further teaches wherein the first network station and the second network station comprise the same network (see column 4, lines 40-49, and Figure 1).

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM


ELLA COLBERT
PRIMARY EXAMINER